

AN ORDINANCE

**99186**

AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH SAN ANTONIO WATER SYSTEM FOR USE OF \$500,000.00 IN 1994-1999 PARK BOND FUNDS FOR THE MITCHELL LAKE WETLANDS PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \* \*

**WHEREAS**, the 1994-1999 Parks General Obligation Bond Issue approved funding of \$500,000.00 for a city-wide project for Mitchell Lake wetlands area to be constructed by SAWS; and

**WHEREAS**, SAWS has now completed construction of this project to the satisfaction of City and is now seeking reimbursement of part of the cost of construction, which totaled \$1.6 million; and

**WHEREAS**, a Memorandum of Agreement will allow for the transfer to SAWS of the bond funds owned by City and will give the City and the general public some rights to and over the Refuge to serve a public parks purpose; and

**WHEREAS**, it is appropriate for the City to expend the \$500,000.00 of approved 1994 Park Bond funds to reimburse construction of this public education facility; and

**WHEREAS**, in consideration, SAWS will operate and maintain the area as the Mitchell Lake Wildlife Refuge through the National Audubon Society, Inc., as specified in a Lease and Operating Agreement, which permits public access and education opportunities; and

**WHEREAS**, the City feels that the development of the Mitchell Lake Wetlands Wildlife Refuge will be a benefit to all of the residents of the community and it is now necessary to authorize the payment of this \$500,000.00 to SAWS for this purpose; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**Section 1.** The City Manager or her designee is hereby authorized to execute a Memorandum of Agreement with SAWS for the payment of \$500,000.00 from 1994-1999 Parks General Obligation Bond funds to SAWS for reimbursement of their expenses to construct the Mitchell Lake Wetlands Wildlife Refuge. A copy of said agreement shall be affixed hereto and incorporated herein for all purposes as Attachment I.

**Section 2.** The budget in fund 45-480095, 1994 Park Bonds – Sold in 2000, shall be revised by reducing index code 587964, entitled Unallocated Appropriations-Proceeds, by the amount of \$500,000.00.

**Section 3.** The amount of \$500,000.00 is appropriated in fund 45-480018, 1994 Park Bonds – Sold in 2000, in index code 781641, entitled Contribution to San Antonio Water System (SAWS), and is authorized to be encumbered and made payable to San Antonio Water System for reimbursement of expenses for construction of the Mitchell Lake Wetlands Wildlife Refuge.

**Section 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**Section 5.** This ordinance shall be effective on May 23, 2004.

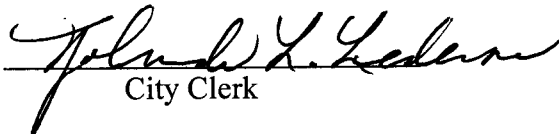
PASSED AND APPROVED this 13<sup>th</sup> day of May 2004.



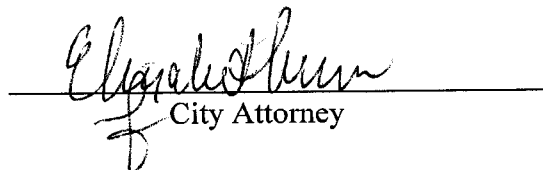
M A Y O R

EDWARD D. GARZA

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney